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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/566,038

12/31/2007

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7127.00005

9314

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07/24/2008

EXAMINER

JONES, MARCUS D

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

07/24/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/566,038	Applicant(s) ZORA, FRANK	
	Examiner Marcus D. Jones	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prerost (US 5,407,209).

In reference to claims 1 and 6, Prerost discloses: A casino card game and method for at least one player and a dealer to play a card game with a plurality of cards comprising the steps of: sequentially dealing a first card to each player and a first card to the dealer; sequentially dealing a second card to each player and a second card to the dealer; and dealing additional cards to each of the at least one player and the dealer (col 2, ln 68 - col 3, ln 1). Prerost does not specifically disclose that a winning hand is the closest to 31 without exceeding 31. However, Prerost discloses that the winning hand is the closest to 21 without exceeding 21 (col 1, ln 15-20). It would have been obvious to a person having ordinary skill in the art at the time of the invention that choosing the value of 31 is a matter of design choice and lacks criticality.

In reference to claims 2 and 3, Prerost discloses: further including the step of receiving a selection from each player as to whether to participate in the game and wherein said receiving step includes receiving from each player a bet (col 1, ln 23-26).

In reference to claim 4, Prerost discloses: further including the step of splitting the cards dealt to the player (col 4, ln 1-2).

In reference to claim 5, Prerost discloses: further including the step of doubling down on the cards dealt to the player (col 4, ln 8-11).

In reference to claim 7, Prerost discloses: wherein the game is won if a player has a card combination equal to 14 (col 6, ln 20-25).

In reference to claims 8 and 9, Prerost discloses: wherein the game includes at least one player and a dealer and wherein said player is playing against said dealer (col 1, ln 26-30).

In reference to claims 10 and 11, Prerost discloses: further including a payout and wherein said payout is determined by the card combination (col 6, ln 9-10).

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3. Claims 12-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prerost (US 5,407,209), and further in view of Lo (US 5,863,042).

In reference to claims 12-24, Prerost discloses all the elements of these claims except specific card combinations. Lo teaches that when a hand that is dealt is a pair of deuces, that the payout is 2 to 1 (col 6, ln 13-15). It would have been obvious to a person having ordinary skill in the art to make any pair of cards a winning pair.

It would have been obvious to a person having ordinary skill in the art at the time of the invention to combine the teachings of Prerost and Lo to yield the predictable result of a card game that has a winning hand of any pair of cards, increasing the chance of winning which adds excitement in playing the game.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus D. Jones whose telephone number is (571)270-3773. The examiner can normally be reached on M-F 9-5 EST, Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marcus D. Jones/
Examiner, Art Unit 3714

/XUAN M. THAI/
Supervisory Patent Examiner, Art Unit 3714